

radioactive dose means for emitting radiation; and
positioning means operatively connected to said dose means for advancing said
dose means and positioning said dose means within the stenosed region of an artery that
has been reduced by angioplasty or other means, said positioning means also being
operatively connected to said dose means for withdrawing said dose means from the
artery, the positioning means including a retractable remotely activated cover which may
be removably positioned over said radioactive dose means and the dose means being
located in a housing having an opening therein, the dose means being exposed to the
stenosed region by moving the remotely activated cover from a first position wherein the
opening is covered by the remotely activated cover to a second position wherein the
opening is not covered by the remotely activated cover.

REMARKS

Reconsideration of the June 15, 1994 Official Action is respectfully requested.
Initially, the indication that Claims 13, 14, 16 and 17 are directed to allowable
subject matter is gratefully acknowledged. In order to place the application in condition
for allowance, Claim 15 has been amended to incorporate a feature of Claim 16 and
Claims 13, 15, 16 and 17 have been amended to overcome the rejection under 35 U.S.C.
§ 112, second paragraph.

Claims 13-17 were rejected under 35 U.S.C. § 112, second paragraph for the
reasons set forth in paragraph 1, on page 2 of the Official Action. In particular, Claim
13 was objected to on the basis that "positionable" is allegedly indefinite. In order to

overcome this ground of rejection, Claim 13 has been amended to recite that the radioactive dose means is connected to the balloon and moveable into contact with the stenosed region by expansion of the balloon. Claim 16 was objected to on the basis that "the wirewound housing" allegedly lacks antecedent basis. However, Claim 16 specifically recites that the housing is a wirewound housing (see specification at page 6, lines 5-7). As such, it is submitted that there is no lack of antecedent basis in Claim 16 for the wirewound housing. Claims 13, 15 and 17 were objected to on the basis that the radioactive dose means allegedly does not include proper means-plus-function language. In order to overcome this ground of rejection, Claims 13, 15 and 17 have been amended to recite "radioactive dose means for emitting radiation."

The only remaining ground of rejection is the rejection of Claim 15 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,588,395 ("Lemelson"). The reasons for the rejection are set forth in paragraph 3, on page 2 of the Official Action. This rejection is respectfully traversed for the following reasons.

Claim 15 has been amended to include the "cut-out" feature of Claim 16. In the Official Action, Claim 16 was indicated as being directed to allowable subject matter. Along these lines, it is noted that Lemelson fails to disclose or suggest a cut-out in a sidewall of the retractable sheath. As such, the combination of features recited in Claim 15 is not disclosed or suggested by Lemelson.

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In view of the foregoing, it is submitted that the present application is in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

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